

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE:

PATRICK FAGAN, CHRISTINE FAGAN

CHAPTER 13
CASE NO. 08-22991

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PATRICK FAGAN, CHRISTINE FAGAN

Plaintiffs,

Adversary Case No.:09-08292

-against-

ANSWER TO CROSS CLAIM

CJP ABSTRACT, LLC,
COMMONWEALTH LAND TITLE INSURANCE
HOMEQ SERVICING CORP.,
WACHOVIA BANK,
ARGENT MORTGAGE COMPANY,
AMC MORTGAGE SERVICES, INC.,
WELLS FARGO BANK, N.A.
JOHN DOE, JANE DOE, XYZ CORP.,
fictitious names for substation (sic) of parties
when discovered

Defendants.

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BARCLAYS CAPITAL REAL ESTATE DBA HOMEQ SERVICING S/H/A HOMEQ SERVICING
CORP. AND WELLS FARGO BANK, N.A. AS TRUSTEE UNDER POOLING AND SERVICING AGREEMENT
DATED AS OF AUGUST 1, 2005 ASSET-BACKED PASS-THROUGH CERTIFICATES SERIES 2005-
WHQ4 S/H/A WELLS FARGO BANK, for its answer to the cross claim of defendants Argent
Mortgage Company and AMC Mortgage Services, Inc., alleges as follows:

1. Denies the allegations in paragraph Twenty Eighth of said Answer.

FIRST AFFIRMATIVE DEFENSE

2. The claim is barred in whole or in part, for failure to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

3. The claim is barred by the applicable statutes of limitations.

THIRD AFFIRMATIVE DEFENSE

4. To the extent that the claim is based in whole or in part, upon allegations that are inconsistent with the terms of the note and mortgage, such claim is barred by the Statute of Frauds.

FOURTH AFFIRMATIVE DEFENSE

5. Damages, if any, alleged to have been sustained by defendant, were caused, in whole or in part, by the culpable conduct of the defendant and/or their negligence.

WHEREFORE, it is respectfully requested that the Court dismiss the complaint, together with attorney's fees, costs, disbursements and such other and further relief as may be just and proper.

Dated: Plainview, New York
November 12, 2009

ROSICKI, ROSICKI & ASSOCIATES, P.C.



By: BARBARA DUNLEAVY
Attorneys for Defendants HomeEq and Wells Fargo
53 East Bethpage Road
Plainview, New York 11803
(516) 741-2585 x 288

To: Joshua Bleichman
Attorney for Plaintiffs
268 Route 59 West
Spring Valley, New York 10977

Knuckles, Komosinski & Elliot, LLP
Attorney for Argent Mortgage and AMC Mortgage Services
565 Taxter Road, Suite 590
Elmsford, NY 10523

Docket No. 07 Civ 4493

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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IN RE;

PATRICK FAGAN, CHRISTINE FAGAN

Case No. 08-22991

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PATRICK FAGAN, CHRISTINE FAGAN
PLAINTIFFS

-AGAINST-

CJP ABSTRACT, LLC, ET AL.
Defendants.

-----X

ANSWER TO CROSS CLAIM

ROSICKI, ROSICKI & ASSOCIATES, P.C.
Attorneys for Defendants HomEq and Wells Fargo
51 East Bethpage Road
Plainview, New York 11803
(516) 741-2585
RR&A NO.: 08-028206

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE;

X

PATRICK FAGAN, CHRISTINE FAGAN

Case No. 08-22991

AFFIDAVIT OF SERVICE BY
MAIL

PATRICK FAGAN, CHRISTINE FAGAN
PLAINTIFFS

X

-AGAINST-

CJP ABSTRACT, LLC, ET AL.

Defendants.

X

STATE OF NEW YORK)

COUNTY OF NASSAU) ss.:

Catherine Jones, being duly sworn, deposes and says:
I am not a party to the within action; I am over the age of 18 years; and I reside at Nassau County, New York. On the 13th day of November, 2009, I served the following:

Answer to Cross Claim

depositing a true copy thereof enclosed in a post-paid wrapper, in an official depository under the exclusive care and custody of the U.S. Postal Service within the State of New York, addressed to each of the following persons at the last known address set forth after each name:

Joshua Bleichman
268 Route 59 West
Spring Valley, New York 10977

Knuckles, Komosinski & Elliot, LLP
Attorney for Argent Mortgage and AMC Mortgage Services
565 Taxter Road, Suite 590
Elmsford, NY 10523

Sworn to before me on this 12th day of November, 2009

Rose Saramago

Rose Saramago
Catherine Jones

Rose Saramago
Notary Public, State of New York
No. 01SA6163060
Qualified in Suffolk County
Commission expires March 19, 2011